

AO 440 (Rev. 03/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

Northern District of California

Daren Heatherly, et al.

Plaintiff

v.

Paragon Steakhouse Restaurant, Inc., et al.

Defendant

Civil Action No.

CV 08

3532

BZ

Summons in a Civil Action

To: See service list attached
(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Thomas E. Frankovich
Thomas E. Frankovich, APLC
2806 Van Ness Avenue
San Francisco, CA 94109 / Telephone: 415-674-8600

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date:

JUL 23 2008

Richard W. Wieking

Name of clerk of court

ANNA SPRINKLES

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on _____,
by:

(1) personally delivering a copy of each to the individual at this place, _____; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____; or

(4) returning the summons unexecuted to the court clerk on _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

Date: _____

Server's signature

Printed name and title

Server's address

ORIGINAL

THOMAS E. FRANKOVICH (State Bar No. 074414)
 THOMAS E. FRANKOVICH,
A Professional Law Corporation
 2806 Van Ness Avenue
 San Francisco, CA 94109
 Telephone: 415/674-8600
 Facsimile: 415/674-9900

Attorneys for Plaintiffs
 DAREN HEATHERLY;
 IRMA RAMIREZ; and
 DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION,
 SERVICES: HELPING YOU
 HELP OTHERS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DAREN HEATHERLY, an individual;
 IRMA RAMIREZ, an individual; and
 DISABILITY RIGHTS, ENFORCEMENT,
 EDUCATION, SERVICES:HELPING YOU
 HELP OTHERS, a California public benefit
 corporation,

Plaintiffs,

v.

PARAGON STEAKHOUSE
 RESTAURANT, INC., a California
 corporation dba HUNGRY HUNTER
 STEAKHOUSE # 210709; and WILLARD
 H. FRAZIER

Defendants.

CASE NO.
Civil Rights

**COMPLAINT FOR INJUNCTIVE RELIEF
 AND DAMAGES:**

1st CAUSE OF ACTION: For Denial of Access
 by a Public Accommodation in Violation of the
 Americans with Disabilities Act of 1990 (42
 U.S.C. §12101, *et seq.*)

2nd CAUSE OF ACTION: For Denial of Full
 and Equal Access in Violation of California
 Civil Code §§54, 54.1 and 54.3

3rd CAUSE OF ACTION: For Denial of
 Accessible Sanitary Facilities in Violation of
 California Health & Safety Code §19955, *et seq.*

4th CAUSE OF ACTION: For Denial of
 Access to Full and Equal Accommodations,
 Advantages, Facilities, Privileges and/or
 Services in Violation of California Civil Code
 §51, *et seq.* (The Unruh Civil Rights Act)

DEMAND FOR JURY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SERVICE LIST

Daren Heatherly, et al. v. Paragon Steakhouse Restaurant, Inc., et al.
Case no.

Paragon Steakhouse Restaurants, Inc.
C T Corporation System, Agent
818 West Seventh St
Los Angeles, CA 90017

Willard H. Frazier
10200 Willow Creek Road
San Diego, CA 92131